

IN THE CLAIMS:

Please cancel Claim 4, without prejudice to or disclaimer of the subject matter recited therein. Please amend Claims 1, 3, 8 and 9, as follows.

1. (Currently Amended) A diffractive optical element comprising:
a first diffractive optical part having a phase-type diffractive grating; and
a second diffractive optical part having a phase-type diffractive grating
formed from a material differing from that of said first diffractive optical part;
said first diffractive optical part and said second diffractive optical part
being disposed in proximity to each other with a space therebetween;
each of said first diffractive optical part and said second diffractive optical
part having a mark ~~in an optical effective area thereof~~ for aligning them, said mark being in
an area where the diffractive grating is provided.

2. (Previously Amended) The diffractive optical element of Claim 1,
wherein the diffractive grating of each of said first diffractive optical part and said second
diffractive optical part is a diffractive grating formed into a concentric circular shape, and
said mark has a size of 0.1% or less of a projection area of a first diffractive grating area as
counted from the center.

b1
pnd

3. (Currently Amended) The diffractive optical element of Claim 2,
wherein the influence of said mark upon the optical performance of said diffractive optical
element is smaller than the reduction of optical performance ~~due to the~~ caused by
manufacturing imperfections ~~accuracy associated with said diffractive optical element.~~

4. (Canceled)

b2

5. (Previously Amended) The diffractive optical element of Claim 1,
wherein the depth of said mark is 10% or less relative to the depth of the diffractive grating
of each of said first diffractive optical part and said second diffractive optical part.

b3

6. (Original) An optical system provided with the diffractive optical
element of Claim 1.

7. (Canceled)

8. (Currently Amended) A method of manufacturing a diffractive optical
element comprising:

b4

the step of molding a first diffractive optical part having a phase-type
diffractive grating;

the step of molding a second diffractive optical part having a phase-type
diffractive grating of a material differing from that of the first diffractive optical part;

the step of aligning the first diffractive optical part and the second diffractive optical part with each other while observing a mark present ~~on the optical effective area of~~ in an area where the diffractive grating is provided on each of the first diffractive optical part and the second diffractive optical part; and

the step of fixing the first diffractive optical part and the second diffractive optical part with a space therebetween.

9. (Currently Amended) A metal mold for manufacturing a diffractive optical element comprising:

a first area for molding a phase-type diffractive grating; and

a second area ~~provided in said first area~~ for molding a mark for aligning said diffractive grating with another member, said second area being provided in an area for forming the diffractive grating molded by said first area.